

**CITY OF INGLESIDE
MINUTES
CITY COUNCIL MEETING
FEBRUARY 24, 2015**

1. Call meeting to order

The meeting was called to order at 6:33 p.m. with Mayor Pete Perkins presiding. Council Members present: Mayor Pete Perkins and Council Members Cynthia Wilson, Ben Tucker, Elaine Kemp, Kevin Robbins, Willie Vaden, and Paul Pierce. Staff present: City Manager, Jim Gray, Finance Director Rosie Vela, and City Secretary Kimberly Sampson. There were approximately 20 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

There were no presentations from the Audience.

5. Consideration and action of the Minutes of the Regular City Council Meeting of February 10, 2015.

City Secretary Kimberly Sampson noted a correction to the minutes of agenda item # 1 to correct that Council Member Paul Pierce was absent from the February 10, 2015 meeting, not present.

Council Member Kemp made a motion to approve the Minutes of the Regular City Council Meeting of February 10, 2015 with the correction noted above and was seconded by Council Member Wilson. The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, Robbins, and Vaden voting aye; and Council Member Pierce abstaining because he did not attend that meeting.

6. Receive and discuss report from Econogine, LLC of economic development activities.

Mr. JJ Johnston of Econogine, LLC provided an overview of the research he has completed, meetings he has attended on behalf of Ingleside, Press Release he wrote and provided to TEDC, and various other venues he has attended or at which he has spoken regarding Ingleside. It was noted that he did not begin working for Ingleside during the holidays and therefore only became active in January 2015.

There were discussions regarding the need to promote the quality of life and not to draw in an industry that will be too taxing on our existing infrastructure.

7. **The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations" regarding the following items:**
- A) Economic Development Negotiations with Seaside Landing Apartments; and;**
 - B) Economic Development Discussions with potential developers to be contacted by Econogine, LLC.**

Mr. Justin McDonald of Seaside Landing stated they have secured their lender and have received the funds from their investors. At this point the plans are being reviewed by the City staff and engineers. They are planning to break ground before the Summer. Because Ingleside is so close to Corpus Christi, we were competing against Corpus Christi projects for TDHCA funding and we couldn't draw enough points to receive grant funds for a Senior Citizens only housing. Therefore; they have decided to move forward with market housing.

Mayor Perkins recessed the Regular meeting to go into Closed Executive Session at 6:48 p.m.

Mayor Perkins closed the Executive Session and reconvened the Regular meeting at 7:40 p.m.

8. **Consideration and action authorizing the Mayor to sign a Surface Easement Agreement to accept a non-exclusive 0.25 acre surface easement for the sole purpose of erecting, maintaining, repairing, and replacing a sign that states "Welcome to Ingleside."**

City Manager Jim Gray stated this would be located on Highway 361 as you enter the City Limits coming from Gregory. It will begin at the third electrical pole past the City Limit sign and will be in almost direct line with the new water tower.

Council Member Vaden made a motion authorizing the Mayor to sign a Surface Easement Agreement to accept a non-exclusive 0.25 acre surface easement for the sole purpose of erecting, maintaining, repairing, and replacing a sign that states "Welcome to Ingleside" and was seconded by Mayor Perkins. The motion was approved unanimously.

9. **Consideration and action to approve the Revised and Restated Water Supply Contract between San Patricio Municipal Water District and the City of Ingleside in order to meet the requirements set by the Texas Commission on Environmental Quality (TCEQ).**

City Manager Jim Gray explained that he has tried to renegotiate this contract with San Patricio Municipal Water District (SPMWD) for a few years now due to the fact that we have so much more industry on our system than do the other municipalities who contract with SPMWD. Unfortunately SPMWD has not been willing to concede on these items. Now we are required to complete a contract under TCEQ guidelines and therefore we cannot delay the approval of the contract any further. This is the same contract all municipalities have with SPMWD.

Council Member Kemp made a motion approving the Revised and Restated Water Supply Contract between San Patricio Municipal Water District and the City of Ingleside in order to meet the requirements set by the Texas Commission on Environmental Quality (TCEQ); and was seconded by Council Member Tucker. The motion was approved unanimously.

10. Consideration and action to make a determination if the following structure meets the minimum standards of adopted codes or shall be demolished and removed from the property – Mr. Brian Whitley of 2730 Houghton. (Tabled from 5/27/14 and 8/26/14)

Mr. Brian Whitley stated that he has already replaced the roof on the structure which was originally quoted to be \$4,500 and ended up costing \$7,000. He has removed the sheetrock so an electrician can replace the wiring throughout the structure. He is between jobs and trying to perform the labor himself but he doesn't have the funds. At this point, his mother and sister are helping him to fund the necessary construction but neither one of them could be present at tonight's meeting.

Building Official John Davis and Code Enforcement Carey Dietrich stated they have not had a request for any inspections, a building/roof permit was pulled but no electrical or plumbing permits have been pulled. The roof has been replaced; however, no WPI-8 has been filed with the State of Texas therefore it is not considered complete. The building permit has run-out and no viable plan has been brought to the City. Notices have been sent regarding the clean-up and mowing around the residence with no response. City has had to clean the property twice and liens have been placed against the property for this service. The dumpster that was used for the room and general work has been gone for over three months and staff has not seen any improvements since that time. A few weeks ago the staff noticed someone living at the residence. Staff attempted to make contact with whomever was inside but there was no answer on the door. Staff spoke with the neighbor who's home the extension cord was attached and informed the neighbor they cannot provide electrical service to that structure. A few days later there was another electrical cord extended from the same neighbor's home. At that point the Police Department assisted the staff in not only removing the electrical cord but also to make entrance into the structure. Mr. Whitley was given until the end of the day to vacate the property and photos were taken of the interior of the residence.

Council Members expressed concerns that no progress has been made; additional liens have been required to be placed against the property; there are three years of back taxes; that if Mr. Whitley has had difficulty paying the \$7,000 for the roof, how is he going to pay for the additional \$30,000 to \$40,000 needed to repair this home; and his lack of communication with the City Staff regarding progress and viable plan.

Mayor Perkins made a motion to allow for all repairs to be made and a Certificate of Occupancy to be issued by May 27, 2015 or the house to be demolished; and was seconded by Council Member Tucker.

Council Member Pierce asked if it could all be done within three months. Mayor Perkins stated that May 27, 2015 is the one-year anniversary when this was first brought to Council and he feels this is sufficient time. Council Member Robbins asked the staff to assist in guiding Mr. Whitley with what needs to be done and how to do it. Mr. Davis stated the Building

Department is open Monday through Friday from 8:00 a.m. to 5:00 p.m. and that we assist people on a regular basis; they would be glad to meet with him if he will come to their office.

The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, and Vaden voting aye; and Council Members Robbins and Pierce voting no.

Council Member Wilson was concerned that Mr. Whitley continues to spend money and then cannot get the Certificate of Occupancy by May 27, 2015 and the City demolishes his work. Mayor Perkins stated that Mr. Whitley can always come back to Council and ask for an extension if he can show significant work being completed.

11. Public Hearings regarding:

Mayor Perkins opened the Public Hearing at 8:25 p.m.

- A) An application for an Excavation Permit for the property located at Lot 1A, Block 88, TP McCampbell Subdivision; also known as 2021 4th Street to level the property by moving dirt from high spots to low spots;**

Speaking in favor of the Excavation Permit was Lutherio Ramirez who stated he is planning to move dirt from the back to the front to build up the property in order to construct a home. He is working with the City to make sure this does not affect the neighbors.

There were no speakers against this request.

- B) An application for an Excavation Permit for the property located at the East ½ of Farm Lot 2, Block 88, TP McCampbell Subdivision; also known as 2025 4th Street to level the property for a future home;**

Speaking in favor of the Excavation Permit was Robert Young who was speaking on behalf of property owner Joe Rodriguez who had to leave tonight's meeting before the Council came out of Executive Session. Mr. Young stated that Mr. Rodriguez is working with the City Staff to insure this doesn't affect the neighbors and a natural drainage ditch is being made between him and the immediate neighbor, Mr. Ramirez (from agenda item # 11-A).

There were no speakers against this request.

- C) An application for a Special Permit to temporarily be allowed to reside in a travel trailer on the property, for security purposes, while finishing construction of the new home located at Lot 2, Block 1, Christian's Corner Subdivision, also known as 2078 Mooney Lane;**

Speaking in favor of this Special Permit was Robert Young. He explained that he has already had a few items stolen from his property and he would like to live in his travel trailer on a temporary basis in order to deter theft and vandalism of his property.

There were no speakers against this request.

- D) An amendment to Chapter 78-Zoning, Article V – Supplementary District Regulations, Division 2 – Height and Area Regulations, Ingleside Code of Ordinances to amend Section 78-341 – Same-Dwelling Minimum Square Footage to require a minimum square footage on R-3 (Three and Four Family Residential) of 1,000 square feet; and**

Speaking on behalf of the City, Building Official John Davis stated this is a result of a request at a previous Council Meeting asking for a minimum of 1,000 square feet. During the review by the Planning and Zoning Commission, it was recommended a minimum square footage be set at 650 feet.

There were no speakers against this request.

- E) An amendment to Chapter 78, Article I, Section 78-1 by adding subsection (d) to allow a Recreational Vehicle (RV) on site for security purposes in conjunction with an active building permit for construction of new residential and new commercial structures.**

Speaking on behalf of the City, Building Official John Davis stated this is a request by staff and Planning and Zoning Commission due to so many requests for a special permit to allow a Recreational Vehicle (RV) on site for security purposes in conjunction with an active building permit for construction of new residential and new commercial structures. Building Permits are limited to six-months; therefore, this temporary use of an RV would be limited to the same six-month period.

There were no speakers against this request.

Mayor Perkins closed the Public Hearing at 8:31 p.m.

Agenda Item #'s 12 and 13 were read together:

- 12. Consideration and action of an excavation permit for the property located at Lot 1A, Block 88, TP McCampbell Subdivision; also known as 2021 4th Street to level the property by moving dirt from high spots to low spots.**
- 13. Consideration and action of an excavation permit for the property located at the East ½ of Farm Lot 2, Block 88, TP McCampbell Subdivision; also known as 2025 4th Street to level the property for a future home.**

Building Official John Davis explained that neither property was aware they needed permits to move dirt within their own property. Staff did notify them to stop, which they did, and they applied for the proper permits. Public Works and Building Department Staff have worked with both property owners and since a drainage pipe running under 4th Street meets at the intersection of their lots, they will maintain a natural drainage between their properties leading to the backside to continue to allow for the drainage across their land.

Council Member Vaden made a motion to approve excavation permits for both #12) the property located at Lot 1A, Block 88, TP McCampbell Subdivision; also known as 2021 4th Street, and #13) the property located at the East ½ of Farm Lot 2, Block 88, TP McCampbell

Subdivision; also known as 2025 4th Street; and was seconded by Council Member Pierce. The motion was approved unanimously.

- 14. Consideration and action of an Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV) on his property, for security purposes, while finishing construction of his new home located at Lot 2, Block 1, Christian's Corner Subdivision, also known as 2078 Mooney Lane, and further providing for effective date, reading, severance and publication. (First Reading)**

Council member Vaden made a motion to pass to a second reading of a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV) on his property, for security purposes, while finishing construction of his new home located at Lot 2, Block 1, Christian's Corner Subdivision, also known as 2078 Mooney Lane, and further providing for effective date, reading, severance and publication; and was seconded by Council member Kemp. The motion was approved unanimously.

- 15. Consideration and action of an Ordinance amending Chapter 78-Zoning, Article V – Supplementary District Regulations, Division 2 – Height and Area Regulations, Ingleside Code of Ordinances to amend Section 78-341 – Same-Dwelling Minimum Square Footage, and further providing for effective date, reading, severance and publication. (First Reading)**

Building Official John Davis explained that following the Council's request for a future agenda item regarding the minimum square footage within R-3 (Three and Four Family) zoning, this was published and discussed at Planning and Zoning Commission (P&Z). Additional research indicates that the Ingleside Housing Authority has 2 bedroom apartments at 700 square feet and they are really nice. The new apartments being built at Highway 361 and Avenue A are 700 square feet and up. The minimum square feet by building code is 150 sf for the first room and 70 sf for each room thereafter, so even at 650 square feet, this meets the building codes.

Council Member Wilson made a motion to pass to a second reading an Ordinance amending Chapter 78-Zoning, Article V – Supplementary District Regulations, Division 2 – Height and Area Regulations, Ingleside Code of Ordinances to amend Section 78-341 – Same-Dwelling Minimum Square Footage, and further providing for effective date, reading, severance and publication with the minimum square footage to be set at 800 square feet; and was seconded by Mayor Perkins. The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, and Robbins voting aye; and Council Members Vaden and Pierce voting no.

- 16. Consideration and action of an Ordinance amending Chapter 78, Article I – In General, Ingleside Code of Ordinances to amend Section 78-1 – Purpose and Intent of Chapter, to add Subsection (d) to allow a Recreational Vehicle (RV) for security purposes in conjunction with an active building permit, and further providing for effective date, reading, severance and publication. (First Reading)**

Council Member Kemp made a motion to pass to a second reading an Ordinance amending Chapter 78, Article I – In General, Ingleside Code of Ordinances to amend Section 78-1 – Purpose and Intent of Chapter, to add Subsection (d) to allow a Recreational Vehicle (RV) for security purposes in conjunction with an active building permit, and further providing for

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effective date, reading, severance and publication; and was seconded by Council Member Wilson. The motion was approved unanimously.

17. Consideration and action of an Ordinance amending the City of Ingleside Code of Ordinances by adopting a new Section 1-18 of Chapter 1 of the Code of Ordinances of the City of Ingleside, Texas, providing for Collection of Delinquent Debts, including Attorney's Fees and Court Costs; repealing all Ordinances in conflict herewith and providing for an effective date and publication. (Final Reading)

Council Member Kemp made a motion to approve Ordinance # 2015-07 amending the City of Ingleside Code of Ordinances by adopting a new Section 1-18 of Chapter 1 of the Code of Ordinances of the City of Ingleside, Texas, providing for Collection of Delinquent Debts, including Attorney's Fees and Court Costs; repealing all Ordinances in conflict herewith and providing for an effective date and publication; and was seconded by Council Member Vaden. The motion was approved with Mayor Perkins and Council Members Wilson, Tucker, Kemp, and Vaden voting aye; and Council members Robbins and Pierce voting no.

18. Receive and discuss the City's financial situation, including but not limited to its budget, revenues, expenses, assets and debts.

Finance Director Rosie Vela stated there was a net decrease of \$159,174.44 due to the items such as bond payments being made during the month of January that are due February 1 of each year and of course items such as the EDA project payment to the contractor. At this point, 78% of the ad valorem taxes and 98% of the Industrial District funds have been collected. Next week the City should see the funds reimbursed back to our account for the Fire Truck. Also following questions asked by Council Member Tucker regarding any bonds being paid off early, staff did discuss with our financial advisors and we will be discussing with the Finance Committee as an option in February 2016 for Tax Notes Series 2013.

19. Consideration and action authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP).

City Manager Jim Gray explained the increase in rates are partially due to the usage by the participants but is also due to mandates by Obamacare. This increase is still within the existing budget funds because we allowed for a 10% increase. The market has not been tested in about five or six years. Mr. Gray's experience over the years is that TML-IEBP has the better rates.

Council Member Kemp made a motion authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP); and was seconded by Council Member Vaden. The motion was approved unanimously.

20. Discussion regarding the Mayor and City Manager attending the Coastal Bend to DC and consideration and action authorizing the change of meeting date of the City Council currently scheduled for March 24, 2015 to March 31, 2015.

Council Members were not opposed to the trip; however, because the item did not specify action to be taken, it will be brought back at the next meeting to allow the Council to consider what funds will be utilized to allow for this trip.

21. Staff Reports

City Manager Jim Gray asked that anyone wishing to attend the San Patricio County Luncheon scheduled for February 26, 2015 to contact the City Secretary to RSVP. He provided an overview of some of the legislative items that he and the Mayor are being active to voice our favor or discourse with: Windstorm, Revenue Caps, and other Appraisal District items. Mr. Gray has been speaking with a few different Economic Development groups in Corpus Christi and San Antonio with attendees from Mexico and South America. There has been additional movement regarding SH-200 and Representative JM Lazono is writing a TxDOT bill that will have a \$5M rider specifically for SH-200. And it was noted that the last day to file for a place on the ballot is Friday, February 27, 2015 at 5:00 p.m.

22. Requests from Council Members

Council Member Kemp questioned where Retail Coach's report was and City Manager Jim Gray stated that the contact person at Retail Coach has been out of the office due to a new baby in the family and he expects to have a report soon.

Council Member Wilson asked for a future agenda item to re-visit Impact Fees.

Council Member Kemp questioned what was going on with the Sewer Camera. City Manager Jim Gray stated it does mostly work; however, right now it is down for repairs to the camera head itself. Staff is now replacing parts ourselves instead of trying to send it back to a company that has since gone out of business.

Council Member Vaden suggested that the newspapers take some photographs of N.O. Simmons Park on the weekends and do a feature story. It is absolutely packed on pretty days.

23. Adjourn

There being no further business, the meeting was adjourned at 9:24 p.m.

ATTEST:

Kimberly Sampson, City Secretary

APPROVED:

Mayor Pete Perkins

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